

Minutes
DAGSBORO TOWN COUNCIL
Virtual
Monday, May 17, 2021

I. CALL MEETING TO ORDER

Mayor Baull stated that this meeting is being conducted remotely consistent with Governor Carney's executive order due to the current State of Emergency in the State of Delaware given the outbreak of COVID-19. The Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location, further all members of public bodies are allowed and encouraged to participate remotely. This order also allows public bodies to meet entirely remotely as long as reasonable public access is afforded so that the public may follow along with the deliberations of the meeting. All the votes as well as discussions will be taken individually so that all the Council members will have the time to speak if they so choose also so we can properly document it. Mayor Baull stated that this meeting is being recorded and Town Administrator Brought is taking notes as well.

Meeting was called to order by Mayor Baull at 6:01 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor William Chandler, Councilman Norwood Truitt, Councilman Patrick Miller, Councilwoman Theresa Ulrich, Chief Steven Flood and Town Administrator Cynthia Brought. See attached sign in sheet for other members of the audience.

II. PUBLIC COMMENT

No public comment was made.

III. PUBLIC HEARING

Court of Appeals – Property Taxes Fiscal Year 2021-2022 (Eric Piner – PTA Deval/Mayor and Council)

a. Appeals – Presentations

Anthony Lorenz stated that he submitted an appeal because he felt the rate that his property is assessed is higher than he feels it should be. In comparison to six other units within the Woodlands of Pepper's Creek, which are assessed nearly equal, however, when compared to single family residences in Dagsboro they are assessed at a higher value. He stated that he does not own any land and there are no outbuildings, decks, or a pool. He stated that he has his tax card/statement and his property is assessed at \$109,600 for improvement value and land value is assessed at \$20,000. He does not own any land at all. It is a condominium unit and the land is all common area. He understands that the Town of Dagsboro does not go by Sussex County assessments, however, the County has him owning zero acres with a nominal value of \$500. He stated that properties that have sold recently within the town that are

up to an acre in land, four bedroom houses, garages and detached buildings, are assessed at \$100-\$200 less. That is the reason he started the appeal.

Eric Piner stated that Mr. Lorenz is correct in that the property is equal with his neighbors in Pepper's Creek. He doesn't understand the question on the land. These are townhouses and all the townhouses in there are assessed at \$20,000 for the land. He stated that they are not setup as a condominium and that he is aware of where the land is included in the common area. He stated that this issue has never come up before with Pepper's Creek, as far as the land value. Mr. Piner stated that it is his understanding that the land is taxable and it is not setup as a condominium and more like a townhouse.

Mr. Lorenz stated that the buildings do appear to be townhouses as they are double twin houses together, however, it is a condominium. He stated that when he bought the property it was listed with the County as a condominium, which is why he felt the County had them assessed with no land value. He feels they do not own the land at all, they do not have rights to even do anything with the land.

Mr. Piner stated that the land would be a small plot of land, as it would just be what the townhouse sits on. As for the County, he is assuming the reason for the \$500 is probably because their re-assessment was 45-48 years ago and that was probably the land value at that time.

Mr. Lorenz stated that it was assessed prior to 2012 and the land was assessed at \$19,000. Once it sold as a condominium, it dropped the value down to the \$500. Mr. Piner stated that he would need to see Mr. Lorenz's deed and see why it was drawn up that way.

Mayor Baull stated to Mr. Lorenz that Town Administrator Brought and Eric Piner will make some calls and then be in touch with him.

Vice-Mayor Chandler stated that when contacting the County, the other question that needs to be asked would be are they assessing something to all condominium owners for the value of the land. Even a condominium owner owns a fee simple interest, common interest, with all the other condominium owners in the common lands. The lands on which the condominiums are situated or the land on which the townhouses are situated are owned in common by all of the owners in that development, whether its condominium or townhouse. He felt that we should ask the County if that is how they are coming up with an assessment of \$500 or is it based on something else. Town Administrator Brought agreed with Vice-Mayor Chandler.

Mr. Lorenz stated that reading through different things, there is a nominal value put on common land and a lot of places charge different rates for that. He stated the COA does pay a tax bill but he is unsure what it covers. It comes out in the association fees that the homeowners pay.

b. Approval of Tax Assessments for 2021 - 2022 Tax Year

Vice-Mayor Chandler made a motion to approve the tax assessments for the 2021-2022 tax year with the exception of Mr. Lorenz's appeal. Councilman Miller seconded the motion. All were in favor.

IV. APPROVAL OF MINUTES

April 19, 2021 Town Council Meeting

Councilwoman Ulrich made a motion to approve the minutes as submitted. Councilman Truitt seconded the motion. All were in favor.

V. CONSENT AGENDA

a. Police Report

Chief Flood stated that Officer Megan LouLou received the Joshua Freeman Valor Award for a traffic stop in town and he wanted her recognized for that. Mayor Baull stated congratulations to her for her outstanding work.

- b. Treasurer's Report
- c. Administrative Report
- d. Building Official Report
- e. Code Enforcement Report
- f. Meeting Reports
- g. Water Department Report
- h. Prince George's Chapel Cemetery Report
- i. Correspondence

Town Administrator Brought stated that she did receive one quote for cleaning out the agricultural ditch behind Bodie's and Clayton Theater. Gray's Creative Touch quoted around \$10,000 and someone else looked at it today, but she has not received the quote. She has no idea if that is good, bad or indifferent. We will see as the other quotes come in. She stated that she still needs to get in contact with the Watershed Division and DNREC people to see if they can be of any assistance.

Councilman Truitt made a motion to approve the consent agenda as presented. Councilwoman Ulrich seconded the motion. All were in favor.

VI. NEW BUSINESS

a. Chief Flood – Discussion Regarding a 4th Full Time Officer Dagsboro PD

Chief Flood stated that he felt that we are ready to move forward with hiring the 4th full time officer in the next couple of weeks. This would cut back the part time hours but they will keep them in reserve.

Mayor Baull asked if they have somebody in mind or would the town need to advertise it. Chief Flood stated that he does have a couple of applicants but he is not mentioning names as they are currently working elsewhere. He has a couple of people who are interested. Councilwoman Ulrich asked for confirmation that we will then have four full time and two part time officers. Chief Flood stated, "that is correct." The 4th full time officer is filling the spot that has been vacant for two years. The part time officers would be on a fill in on an as needed basis.

Vice-Mayor Chandler stated that from time to time he is asked by the residents of Dagsboro why we need four police officers for little old Dagsboro and he wondered if Chief Flood could help him with the answer. Chief Flood stated that if you compare our department to other departments that have six to eight officers, we are handling just as many complaints as they are and they have full time, 24 hour coverage. Chief Flood stated that there is evil in every community in this Country. Sometimes it takes a while for it to show its head but given enough time it will show itself. He does not want to set the Town or the Police Department up for failure. He doesn't feel that having four officers is too much to ask. This would be the same amount of manpower from two years ago and they are trying to keep up with the town residents and their needs. It is putting more people on the street and he doesn't necessarily want to say that it will be two people on each shift at the same time for the duration, but it will give more shift time.

b. Discussion/Adoption of a "Capitalization Policy"; Result of 2019-2020 Audit

Town Administrator Brought stated that the auditor's suggested that we adopt a Capitalization Policy and add it to the policies/procedures. She stated any major project that the Town takes on should be included in its own category.

Councilwoman Ulrich made a motion to adopt the Capitalization Policy as it is presented. Councilman Truitt seconded the motion. All were in favor.

c. Discuss Summer Break for Town Council (August)

Mayor Baull stated that typically August is the slowest month and therefore we typically take off the meeting for the month of August. Town Administrator Brought stated that Council could have a special meeting if something did come up.

Councilman Miller made a motion to take the month of August off. Vice-Mayor Chandler seconded the motion. All were in favor.

d. Coastal Point Graduation Ad

Mayor Baull stated that Coastal Point asked if the Town was interested in running an ad for the 2021 graduates like was done last year. The price did not change and is \$199 for the half page ad.

Councilwoman Ulrich made a motion to approve the half page ad in the Coastal Point. Councilman Truitt seconded the motion. All were in favor.

VII. OLD BUSINESS

a. Tree Cemetery/Ward Lane – Report From Bartlett Tree Experts

Town Administrator Brought stated that, Joe Quinn, Town Maintenance, and she had discussed the quote from Bartlett's and they feel that the tree does need pest management and the pruning but as far as the root invigoration they felt that was not a necessity at this point. She stated that with it being in the cemetery she is not sure if they have a responsibility as well, she would have to check with that committee. She stated that the Cemetery committee does not have a meeting scheduled but she can email the committee. Vice-Mayor Chandler stated that he agreed with Town Administrator Brought that the root invigoration is not needed, but that the pest treatment and pruning are. Council agreed to skip the soil care and fertilization and root invigoration and to approve the pest management and tree and shrub work (pruning) for the cost of \$3,728 which includes the \$750 Tree Risk Assessment. Councilman Truitt and Vice-Mayor Chandler suggested we wait on the approval until we hear from the cemetery committee. Town Administrator Brought will email the cemetery committee to see what they can apply toward the cost. Vice-Mayor Chandler asked that Town Administrator Brought check with Bartlett to see if they will credit the price of the Tree Risk Assessment and apply it to the tree and shrub work.

b. Review/Adoption of Revised Holiday Policy

Town Administrator Brought stated that changes to this policy go back to when we agreed to change the Holiday Policy to go along with the State Holiday Policy. The changed Policy needs to be adopted in order to add the new page into our policies.

Vice-Mayor Chandler made a motion to approve the revised holiday policy as presented. Councilman Truitt seconded the motion. All were in favor.

c. Further Discussion Regarding Opening of Town Council Meetings to Public – Bethel Center Available When Ready

Mayor Baull stated that the Bethel Center has indicated that they are ready to be available to us if Council would like to do in person meetings again. Councilman Truitt stated that he felt that we should wait until September for in person meetings. Councilman Miller and Vice-Mayor Chandler were in agreement with Councilman Truitt. June and July Council meetings will be virtual, no meeting for August and return to in person for September 2021 meetings.

VIII. PUBLIC COMMENT

Anthony Lorenz, 29198 Shady Creek Lane

In regard to Chief Floods' request for a fourth officer, he strongly urged the Council to support that request. As Chief Flood stated, evil is rearing its evil head as we have seen with what happened to Officer Keith Heacock. He felt that four officers are not many when spread around 24 hours a day, 7 days a week. As a resident he would support a fourth officer.

Tom Morse, 33334 Main Street, stated that he also supports Chief Floods' request for a fourth officer. He stated that he gets to his office early in the morning and there is a lot of heavy movement and the traffic does not slow down as they are coming into Dagsboro. He stated that as Dagsboro continues to populate, he felt it is the right thing to do to add another officer.

Mayor Baull recognized Tom, and his company Morse Roofing, for donating a new roof to Anne Toomey. He stated that he had read on Anne's Facebook post that she had contacted Morse Roofing in regard to getting a new roof. Tom and his company were kind and generous enough to donate the new roof in honor of former Police Chief Floyd Toomey.

IX. ADJOURNMENT

Councilwoman Ulrich made a motion to adjourn. Councilman Truitt seconded the motion. All were in favor.

Meeting adjourned at 6:38 p.m.

Respectfully Submitted,

Stacy West, Town Clerk